

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ANTHONY G. CLARKE,

)

Plaintiff,

)

VS.

)

No. 1-04-1275-T-An

STATE OF TENNESSEE, et al.,

)

Defendants.

)

ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT

Plaintiff Anthony G. Clarke, who was previously confined at the Hardin County Jail (“HCJ”), brought this action pursuant to 28 U.S.C. § 1983 against Defendants State of Tennessee, Phil Bredesen, Quentin White, Kevin Davis, Gary Austin, and Hardin County. Plaintiff attempted to orchestrate a class action on behalf of other “prisoners” at the HCJ, alleging that HCJ policies and procedures violate the constitutional rights of jail inmates. Plaintiff listed the following as the major issues: healthcare, diet, exercise, discipline, court access, inadequate grievance procedure, inference with legal mail, jail conditions, and poor management. On May 2, 2005, the court dismissed the entire complaint for failure to state a claim upon which relief may be granted. Further, the court also certified that Plaintiff's complaint was not in good faith and could not be taken on appeal in forma pauperis.¹

¹ The court's order stated that “any appeal in this matter is not taken in good faith, and the plaintiff may proceed on appeal in forma pauperis.” Order Granting Motion to Proceed IFP;

Judgment was entered against Plaintiff on May 9, 2005.

Plaintiff now files this letter requesting that this court reconsider or reactivate his complaint due to a similar complaint having been filed by another plaintiff on behalf of all inmates at the HCJ. To the extent that Plaintiff's letter constitutes a motion to alter or amend judgment under Fed. R. Civ. P. 59(e), his motion is DENIED.

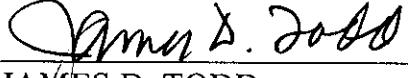
The purpose of Rule 59(e) is to allow a district court to correct its own mistakes. White v. New Hampshire Dept. of Employment Sec., 455 U.S. 445, 450 (1982). It "is not intended to relitigate matters already decided by the Court but, rather, is designed to correct manifest errors of fact or law which led to the entry of judgment." Windsor v. A Federal Executive Agency, 614 F. Supp. 1255, 1264 (M.D. Tenn. 1983), *aff'd*, 767 F.2d 923 (6th Cir. 1985). The granting of a motion under Rule 59(e) is within the sound discretion of the district court. McMahon v. Libbey-Owens-Ford Co., 870 F.2d 1073, 1078 (6th Cir. 1989). Pursuant to Rule 59(e), a court may alter or amend its judgment if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) or to prevent manifest injustice. See Gencorp, Inc. v. American Int'l Underwriters, 178 F.3d 804, 834 (6th Cir. 1999).

In the present case, Plaintiff fails to argue that any of the above four situations are applicable to his case. Plaintiff has set forth none of the requirements for an order to alter

Denying Motion for Class Certification; Denying Motion for Injunctive Relief; Order of Dismissal; Certifying Appeal Not Taken in Good Faith; Notice of Appellate Filing Fee, at 8. This was a typographical error, and should have stated that Plaintiff could *not* proceed on appeal in forma pauperis.

or amend judgment pursuant to Rule 59(e). Consequently, his motion is DENIED.

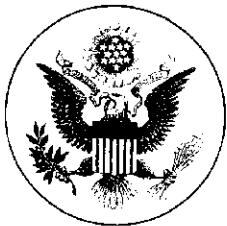
IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 1:04-CV-01275 was distributed by fax, mail, or direct printing on July 18, 2005 to the parties listed.

Anthony Glen Clarke
P. O. Box 24
Saltillo, TN 38370

Honorable James Todd
US DISTRICT COURT